

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Special Assistant Attorney General
3 JANICE K. LACHMAN
Supervising Deputy Attorney General
4 State Bar No. 186131
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-230**

12 **KRYSTAL ANN BAUER**
2760 Tech Drive, Unit No. 107
13 Bettendorf, Iowa 52722

A C C U S A T I O N

14 **Registered Nurse License No. 502554**

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about August 26, 1994, the Board issued Registered Nurse License Number
25 502554 to Krystal Ann Bauer ("Respondent"). The registered nurse license was in full force and
26 effect at all times relevant to the charges brought herein and will expire on September 30, 2010,
27 unless renewed.

28 ///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

7. Code section 2762 states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or

1 in a manner dangerous or injurious to himself or herself, any other person, or the
2 public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

3 8. Code section 4060 states, in pertinent part:

4 No person shall possess any controlled substances, except that furnished
5 to a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor....

6 9. Health and Safety Code section 11173, subdivision (a) provides that no
7 person shall obtain or attempt to obtain controlled substances, or procure or attempt to
8 procure the administration of or prescription for controlled substances, (1) by fraud,
deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

9 COST RECOVERY

10 10. Code section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 11. DRUGS

15 "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code
16 section 11055, subdivision (b)(1)(M), and a dangerous drug under Code section 4022 in that
17 under federal or state law it requires a prescription.

18 FIRST CAUSE FOR DISCIPLINE

19 12. Respondent has subjected her license to discipline pursuant to Code section 2761,
20 subdivision (a)(4) on the grounds of unprofessional conduct, in that Respondent has been
21 disciplined by other state boards, as follows:

22 **Board of Nursing of the State of Iowa**

23 a. Effective March 2, 2005, pursuant to the Stipulation and Order filed by the Board of
24 Nursing of the State of Iowa (hereinafter "Iowa Board"), in Case No. 03-149, attached hereto as
25 **Exhibit "A"** and incorporated herein by reference, Respondent's Iowa Nursing License and
26 Certificate Nos. 089513 and P33809 were suspended, pending the Iowa Board's receipt of a
27 chemical dependency evaluation. Pursuant to this stipulation, a recommendation for services
28 would result in continuation of the suspension until appropriate treatment, including related after

1 care, had been completed and Respondent verified twelve (12) continuous months of sobriety.
2 Following satisfaction of these provisions, Respondent would be placed on probation, with terms
3 and conditions.

4 b. On or about November 8, 2008, Respondent entered into a Consent Order with the
5 Iowa Board to voluntarily relinquish her Iowa License Nos. 089513 and P33809, pursuant to the
6 Notice of Hearing and Statement of Charges filed by the Iowa Board in Case No. 07-566,
7 attached hereto as **Exhibit "B"** and incorporated herein by reference. The basis for discipline
8 was that on or about June 5, 2008, the Wisconsin Board of Nursing revoked Respondent's multi-
9 state privilege in Wisconsin for Respondent's inability to practice due to substance abuse and
10 unauthorized administration of medication.

11 **Arizona State Board of Nursing**

12 c. Effective July 29, 2008, pursuant to the Order to Revoke Multistate Licensure
13 Privilege in Arizona and Cease and Desist Order in Case No. 0712090, attached hereto as **Exhibit**
14 **"C"** and incorporated herein by reference, Respondent's Arizona Registered Nurse License No.
15 RN089513 and Practical Nurse License No. PN33809 were revoked. The basis of said discipline
16 was pursuant to her conduct in Wisconsin regarding controlled substances, as more particularly
17 set forth in subparagraph b, above.

18 **State of Wisconsin Board of Nursing**

19 d. Effective June 5, 2008, pursuant to the Final Decision and Order in Case No.
20 LS0806054, attached hereto as **Exhibit "D"**, and incorporated herein by reference, Respondent's
21 privilege to practice nursing in Wisconsin pursuant to a multi-state nurse licensure compact under
22 her Iowa nursing license was revoked. The basis for discipline is that on or about December 7,
23 2007, while working as a travel nurse, Respondent, by her own admission, diverted Morphine
24 from the Pyxis machine while on duty as a registered nurse and later that day tested positive for
25 Morphine. In fact, Respondent admitted that she had given herself an injection of Morphine
26 intended for a patient. Further, an audit of Respondent's Pyxis access showed excessive access to
27 the controlled substances Temazepam, Morphine, Fentanyl, and Hydrocodone/Acetaminophen
28 with minimal or no documentation of having given the medications to patients.

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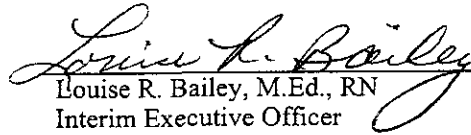
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1 2. Ordering Krystal Ann Bauer to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: 10/22/09


Louise R. Bailey, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

BEFORE THE BOARD OF NURSING
OF THE STATE OF IOWA

In the matter of:)	
)	
KRYSTAL A. BAUER)	CASE NO. 03-149
3363 Winston Drive)	
Bettendorf, IA 52722)	
)	STIPULATION AND ORDER
Certificate and License Nos.)	
089513/P33809,)	
)	
Respondent.)	

In accordance with the provisions of 2003 Iowa Code § 17A.12(5) and 655 IAC 4.9, and with full knowledge of the allegations asserted in the Statement of Charges filed December 1, 2004, Respondent expressly waives the right to a disciplinary hearing and makes known a desire to resolve the controversy now present before this board by means of informal disposition.

The Respondent concedes to the jurisdiction of the board for all issues relevant hereto, and voluntarily consents to State's counsel presenting this agreement to the board with the terms provided.

Board approval of this settlement shall constitute resolution of a contested case proceeding and will be entered as a FINAL ORDER in this matter.

STIPULATIONS

1. Respondent's license/s to practice nursing in the state of Iowa will be indefinitely suspended pending receipt of a chemical dependency evaluation from a board-approved provider. A recommendation for services will result in continuation of the suspension until appropriate treatment, including related after-care, has been completed and Respondent can verify twelve (12) continuous months of sobriety.

2. Respondent will immediately return the license renewal card/s to the board office.

3. Respondent's license/s to practice nursing in the state of Iowa will be placed on probation for a period of twelve (12) months upon fulfillment of the provisions stated above. Respondent will satisfy applicable administrative licensing requirements and pay any fees due. The license renewal card/s will be marked to indicate conditional licensure and future license/s issued by the board during the term of this sanction are subject to the conditions imposed by this consent agreement.

During the period of probation:

4. Respondent will contact the case manager within thirty (30) days from receipt of the signed order and each month thereafter until the probation requirements have been completed.

2008 DEC 15 10 5 12

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9. Respondent will immediately provide body fluid specimens upon request of the case manager, or at the direction of a designee. This requirement may include selection for random testing by an automated notification system authorized by the board.

10. Respondent will submit to a medical and/or mental health examination, when determined appropriate by the case manager, based on information obtained to verify compliance with the requirements of this consent agreement. The examination is to be accomplished within thirty (30) days from the date of written notification to do so, and must be completed by a board-approved practitioner. Respondent will ensure that an evaluation summary is sent directly to the case manager as soon as it is available.

11. Respondent agrees to sign all necessary release forms that may be required to obtain information related to case monitoring and/or compliance with the provisions of this consent agreement.

12. Respondent will assume responsibility for all expenses incurred in order to comply with the conditions and requirements imposed by this consent agreement.

13. Respondent's practice privileges pursuant to the provisions of the Nurse Licensure Compact are suspended for the

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1500/01/10

2007/01/10 15:00

duration of this sanction, unless specifically granted by the jurisdictional authority of a remote state.

LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the board and will have no force or effect on either party if it is not accepted.

I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so will subject me to further board action.

Friday, January 14, 2005

Date

Krystal A. Bauer

Krystal A. Bauer
Respondent

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ORDER

The Board hereby accepts Respondent's agreement to comply with the stipulations contained in this document as resolution of the contested matter and incorporates those provisions as conditions of this order. THE IOWA BOARD OF NURSING ORDERS Krystal A. Bauer, license nos. 089513/P33809, to fulfill the requirements indicated.

Dated this 2nd day of March, 2005

M. Ann Aulwes - Allison
M. Ann Aulwes-Allison, R.N., M.A., Ed.S.
Chairperson
Iowa Board of Nursing

The Statement of Charges and Stipulation and Order are public records and will become part of the Respondent's permanent file. In accordance with the requirements of Iowa Code chapter 22, these documents will be available for inspection and reproduction.

Copy to:

Rick Autry
Assistant Attorney General
Department of Justice
2nd Floor, Hoover State Office Bldg.
Des Moines, IA 50319
(515) 281-7262

IOWA BOARD OF NURSING
This is to certify that this is a true and correct copy of records on file in this office per:

to Krystal Bauer
Therese Westby Enforcement

2005 MAR 10
FILED IN THE RECORDS

BEFORE THE BOARD OF NURSING
OF THE STATE OF IOWA

In the matter of:

KRYSTAL A. BAUER
3363 Winston Drive
Bettendorf, IA 52722

Certificate and License Nos.
089513/P33809,

Respondent.

CASE NO. 03-149

STATEMENT OF CHARGES

COMES NOW, the Complainant, Dana R. Peterson, and states:

1. She is an investigator for the Board of Nursing, and files this Statement of Charges solely in her official capacity.

2. The board has jurisdiction in this matter pursuant to 2003 Iowa Code chapters 17A, 147, 152, and 272C.

3. On June 7, 1993, Krystal A. Bauer, the Respondent, was issued certificate and license no. P33809 by the board to engage in the practice of a licensed practical nurse, subject to the laws of the state of Iowa and the rules of the board.

4. License no. P33809 is delinquent.

5. On September 20, 1993, Krystal A. Bauer, the Respondent, was issued certificate and license no. 089513 by the board to engage in the practice of a registered nurse, subject to the laws of the state of Iowa and the rules of the board.

6. License no. 089513 is active and will expire on August 15, 2006.

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COUNT I

The Respondent is charged with unethical conduct in violation of Iowa Code § 147.55(3), as defined by 655 IAC 4.6(4)"m," for fraudulently or inappropriately using or permitting the use of prescriptions blanks or obtaining prescription medications under false pretenses.

THE CIRCUMSTANCES

1. The Respondent was employed at a hospital from March 19, 2001, until her resignation on May 29, 2004.

2. It was reported that the Respondent had a high number of Nubain wastages in May/June 2003 and was seeking prescriptions for Stadol NS from a family practice resident physician in July/August 2003.

3. A prescriptive profile was conducted and the Respondent subsequently admitted that she utilized numerous physicians to obtain Nubain and Stadol NS between the spring of 2003 and the fall of 2003.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the board take such action as it deems to be appropriate under the law.

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REGISTERED NURSING
EX-1001

SUBJ DEC 55 BK 5:08

SECURED

Dated this 17th day of November 2004.

Dana R. Peterson
Dana R. Peterson
Health Professions Investigator
Iowa Board of Nursing
Complainant

On this 1st day of December 2004, the Iowa Board of Nursing found probable cause to file a Statement of Charges and order a hearing in this matter.

M. Ann Aulwes - Allison
M. Ann Aulwes-Allison, R.N., M.A., Ed.S.
Chairperson
Iowa Board of Nursing

Copy to:

Rick Autry
Assistant Attorney General
Department of Justice
2nd Floor, Hoover Building
Des Moines, IA 50319
(515) 281-7262

IOWA BOARD OF NURSING
This is to certify that this is a true and correct
copy of records on file in this office pertaining

to Krystal Bauer
Macey [Signature] Enforcement

EX-101 MEMLO
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CLERK

Exhibit B

BEFORE THE BOARD OF NURSING
OF THE STATE OF IOWA

IN THE MATTER OF:

KRYSTAL A. BAUER
2543 Hawley Street
Bettendorf, IA 52722

Certificate and License Nos.
089513/P33809,

RESPONDENT.

)
) CASE NO. 07-566
)
)

) NOTICE OF HEARING AND
) STATEMENT OF CHARGES
)
)
)

COMES NOW the Iowa Board of Nursing (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code Sections 17A.12(2), 17A.18(3), and 655 Iowa Administrative Code 4.16. Respondent was issued Iowa license no. P33809 on June 7, 1993. That license is inactive. Respondent was issued Iowa license no. 089513 on September 20, 1993. That license is active and will expire on August 15, 2009.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on December 4, 2008 before the Board of Nursing. The hearing shall begin at 1:30 p.m. and shall be located at the Des Moines West Room, Holiday Inn Downtown, 1050 6th Avenue, Des Moines, Iowa.

Answer. You may file an Answer to this Notice of Hearing and Statement of Charges pursuant to 655 Iowa Administrative Code 4.22. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of

this Notice of Hearing and Statement of Charges.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 655 Iowa Administrative Code chapter 4. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 655 Iowa Administrative Code 4.28. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Emily Kimes-Schwiesow, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

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10:00 AM

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 152, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 152, (152E when applicable) 272C and 655 Iowa Administrative Code Chapter 4.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 655 Iowa Administrative Code 4.31.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

The Respondent is charged with unethical conduct in violation of Iowa Code § 152.10.2(d)(2), for having a license to practice nursing as a registered nurse revoked, suspended or other disciplinary action taken by a licensing authority in another state which has adopted the nurse licensure compact agreement, and 655 IAC 4.6(3)"d," for failure to notify the Board within 30 days from the date of the final decision in a disciplinary action taken by the licensing authority in another state, territory, or country.

Count II

The Respondent is charged with violation of Iowa Code § 147.55(4), for habitual intoxication or addiction to drugs.

D. FACTUAL CIRCUMSTANCES

1. On April 5, 2005, Respondent entered into a Stipulation and Order with the Iowa Board of Nursing arising from allegations of unethical conduct for fraudulently or

2005-04-05
IOWA BOARD OF NURSING
STIPULATION AND ORDER

inappropriately using or permitting the use of prescription blanks or obtaining medications under false pretense. Terms of the stipulation and order required successful completion of one-year probation. On April 5, 2006, Krystal Bauer was released from her probationary status with the Board.

2. On December 7, 2007, Respondent, working as a travel nurse on Compact License privileges in Wisconsin, allegedly diverted morphine from a Pyxis machine while on duty at a hospital, and later that same date tested positive for morphine. She admitted to a medical review officer that she had given herself an injection that was intended for a patient. An audit of Respondent's Pyxis access showed excessive access to medications with minimal or no documentation of having given the medications to patients. Medications include Temazepam, Morphine, Fentanyl, and Hydrocodone/Acetaminophen.

3. On April 7, 2008, Respondent entered a Stipulation with the Wisconsin Board.

4. On June 5, 2008 a Final Decision and Order revoking Respondent's compact privileges in Wisconsin was entered by the Wisconsin Board based upon the Stipulation.

5. As of July 5, 2008, Respondent had not notified the Board of the final decision and order entered by the Wisconsin Board.

6. As of July 11, 2008, Respondent had cancelled a previously scheduled meeting with an Investigator of the Board, and was allegedly attempting to gain travel nurse employment in the state of New Mexico.

2008 DEC 11 10:00
REGISTERED NURSE
E. SETTLEMENT

This matter may be resolved by settlement agreement pursuant to Iowa Code

300A DEC 11 10:00

RESOLVED

sections 17A.10, 17A.12, 272C.3 and 655 Iowa Administrative Code 4.9.

F. PROBABLE CAUSE FINDING

On this 11th day of September 2008, the Iowa Board of Nursing found probable cause to file this Notice of Hearing and Statement of Charges.

M. Ann Aulwes - Allison

M. Ann Aulwes-Allison, R.N., M.A., Ed.S.
Chairperson
Iowa Board of Nursing

Copies to:

Emily Kimes-Schwiesow
Assistant Attorney General
Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319
515-281-5637

Krystal Bauer

IOWA BOARD OF NURSING

This is to certify that this is a true and correct
copy of records on file in this office pertaining

to Krystal Bauer

Tracey Hestby, Enforcement

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Iowa Board of Nursing

RiverPoint Business Park
400 S.W. 8th Street Suite B
Des Moines, IA 50309-4685

Voluntary Relinquishment of Licensure

Case No. 07-566

CONSENT ORDER

I, **Krystal A. Bauer**, holder of Iowa nursing license number/s **089513** and **P33809**, freely and voluntarily surrender my license/s to the Board of Nursing. I knowingly forfeit and relinquish all right, title and privilege to practice nursing in the state of Iowa, until such time as the Board would reinstate my license/s.

I recognize that surrender of my license/s shall be considered as resolution of the pending contested case in which I am named. This surrender does not constitute an admission of the violations alleged and does not constitute a finding on the merits of the issues which would be litigated in this matter. I knowingly and voluntarily waive my right to a hearing and fully understand that consideration for reinstatement of my license/s shall be pursuant to 655 Iowa Administrative Code 4.11. I know this provision will preclude me from making application for reinstatement of my license/s for a period of one (1) year from the date of this order.

I acknowledge that the voluntary surrender of my license/s shall become effective immediately upon acceptance by the Board and shall be recorded as final disposition in this matter.

November 3, 2008
Date

Krystal A. Bauer
Licensee's Signature

Approved and accepted by the Iowa Board of Nursing on this

20 day of November, 2008

2008 PHENIC
REGISTERED NURSING
FOUNDER

IOWA BOARD OF NURSING

This is to certify that this is a true and correct copy of records on file in this office pertaining to

to Krystal Bauer

M. Ann Anderson - Allison
Chairperson
Iowa Board of Nursing

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Exhibit C

Janet Napolitano
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3653
Phone (602) 889-5150 Fax (602) 889-5155
E-Mail: arizona@azbn.org
Home Page: <http://www.azbn.org>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **KRYSTAL A BAUER**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85020 on October 21, 2008.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE PRIVILEGE TO)
PRACTICE NURSING UNDER THE NURSE)
LICENSURE COMPACT IN THE STATE OF)
ARIZONA)
ISSUED TO:)
KRYSTAL A. BAUER)
RESPONDENT)
NURSE LICENSE NO.: RN089513; PN33809)
STATE OF: IOWA)

**ORDER TO REVOKE
MULTISTATE LICENSURE
PRIVILEGE IN ARIZONA
AND
CEASE AND DESIST ORDER
NO.
0712090**

On July 29, 2008, the Arizona State Board of Nursing ("Board" and "Remote State") considered the multistate licensure privilege of Krystal A. Bauer ("Respondent").

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds professional nurse license no. RN089513 and practical nurse license no. PN33809, with multistate licensure privileges ("Privilege") under the Nurse Licensure Compact ("Compact"), issued by Iowa, a Compact State.
2. On or about March 2, 2005, Respondent's Iowa licenses were indefinitely suspended related to a substance abuse problem. On or about April 5, 2006, Respondent successfully completed probation with the Iowa Board of Nursing.
3. On or about December 13, 2007, a complaint was received by the Board alleging that, while working on the multi-state privilege granted by her Iowa license and assigned to Banner Thunderbird Medical Center (BTMC) through Travel Nurse Across America, Respondent had narcotics discrepancies between October 2007 and November 2007. Of 10 charts audited, 8 were found to be out of compliance or to contain incomplete documentation.

4. On her written response received by the Board on or about February 4, 2008, Respondent explained her narcotics discrepancies were due to her "really bad habit" of taking out more medication than she was likely to need in an effort to maintain her patients' level of comfort. Respondent signed a statement verifying the information she provided was true, complete and correct, to the best of her knowledge and belief.

5. On or about June 5, 2008, the Wisconsin Board of Nursing revoked Respondent's multi-state privilege in Wisconsin for inability to practice due to substance abuse, and unauthorized administration of medication (see attached Exhibit A; incorporated herein by reference).

6. On or about June 30, 2008, the North Carolina Board of Nursing revoked Respondent's multi-state privilege to practice in North Carolina due to discrepancies in Respondent's documentation and handling of controlled substances (see attached Exhibit B, incorporated herein by reference).

7. On July 29, 2008, the Board voted and ordered Respondent's privilege to practice nursing in Arizona under the Compact rules and statutes **revoked**. The Board further ordered Respondent to cease and desist the practice of nursing in Arizona.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board has cause to revoke Respondent's privilege under the Nurse Licensure Compact to practice nursing in the State of Arizona, under A.R.S. § 32-1663 (E); A.R.S. §32-1668 Article (II) (H), Article (III)(B), Article (V)(C), and Article (VI)(C) of the Compact as set forth for unprofessional conduct as defined in A.R.S. § 32-1601(16)(d), (f), (g), (h), and (j); and A.A.C. R4-19-403(B) (8)(b), (9), (16), (17), (18), (26), and (31).

REGISTERED NURSING
SACRAMENTO
03/15/08
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ORDER

IT IS ORDERED that Respondent's privilege to practice nursing in the State of Arizona is hereby REVOKED.

IT IS FURTHER ORDERED that Respondent shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. §41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt of this Order and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after the receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to

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questions regarding the appeals process, contact Susan Barber at (602) 889-5161.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: July 29, 2008

JR/SMM:smm

COPY mailed this 9th day of September, 2008, by First Class Mail and by Certified Mail Receipt
No. 7006 3450 0000 4186 6004 to:

Krystal A. Bauer
2543 Hawley St
Bettendorf, IA 52722

By: Esther Garcia

REGISTERED NURSING
SACRAMENTO

2008 OCT 24 PM 12:51

REC'D

Exhibit D

Jim Doyle
Governor

Celia M. Jackson
Secretary

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING




1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

CERTIFICATE

I, Jeff Scanlan, Bureau Director, Bureau of Health Services, Wisconsin Department of Regulation and Licensing and the legal deputy custodian of records for the Board of Health and Nursing, do hereby certify that the documents annexed hereto have been compared by me with the originals filed in the office of the Wisconsin Board of Nursing and that the annexed documents are true and correct copies thereof.

Dated in Madison, Wisconsin this 27th day of July 2009.

BOARD OF NURSING


Jeff Scanlan
Bureau Director
Bureau of Health Professions

SEAL

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

KRYSTAL A. BAUER, R.N.,
RESPONDENT.

FINAL DECISION AND ORDER
LS 0806054 NUR

Division of Enforcement Case # 07 NUR 448

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Krystal A. Bauer, R.N.

3363 Winston Drive

Bettendorf, IA 52722

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Krystal A. Bauer, R.N., is licensed as a registered nurse by the State of Iowa (license number 089513). The effective date of her license was August 16, 2006, and it expires on August 15, 2009. Respondent's last known address is 3363 Winston Drive, Bettendorf, IA, 52722.

2. At all relevant times, Respondent was working as a registered nurse in Wisconsin pursuant to the multi-state nurse licensure compact, under her Iowa license. Wisconsin (pursuant to Wis. Stat. § 441.50) and Iowa are party states of the compact, which provides for multi-state licensure privileges and allows a nurse with a license from a "home state" to engage in the practice of nursing in all other party states, which are called "remote states."

3. At all relevant times, Respondent was employed by Travel Nurse across American, LLC, who subcontracted to Cross Country Staffing, who placed her at Saint Claire's Hospital in Weston, Wisconsin.

4. On or about December 7, 2007, Respondent was assigned to work the night shift at Saint Claire's Hospital. During her shift, she was observed removing a large quantity of morphine from a Pyxis machine. Further investigation showed that Respondent had removed 20 mg of morphine, while her patient had orders for 2-4 mg every 2-4 hours. When confronted, Respondent stated that she had taken out the large does of morphine so that she would not have to keep re-entering the Pyxis machine.

5. Respondent agreed to take a drug test at the end of her shift. She told the nursing supervisor that her test may be positive, as she had taken Vicodin the previous day for menstrual cramps, from a friend's prescription.

6. Respondent's test was positive for morphine.

7. When questioned about the positive morphine result, Respondent admitted to a Medical Review Officer that she had given herself an injection that was intended for a patient.

8. An audit of Respondent's Pyxis access showed excessive access of medication with minimal or no documentation of having given the medication to patients, including: Temazepam, morphine, Fentanyl, and Hydrocodone/Acetaminophen.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and 441.50(3)(b) and (c), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct set forth in paragraphs 4 – 8 above constitutes a violation of Wis. Admin. Code § N 7.03(2) and N 7.04(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c) and (d).

ORDER

IT IS ORDERED:

1. The privilege of Respondent Krystal A. Bauer, R.N., to practice as a nurse in the State of Wisconsin pursuant to the multi-state nurse licensure compact is REVOKED

2. In the event Respondent applies for Wisconsin licensure as a nurse, the Board may issue a limited license based on the facts set out in the Final Decision and Order, or may deny that application, in its discretion, without further notice or hearing. Respondent expressly waives all rights to a hearing on any such denial or limitation.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of One Hundred Dollars (\$100.00) pursuant to Wis. Stat. § 440.22(2).

4. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
: KRYSTAL A. BAUER, R.N. :
RESPONDENT. :

STIPULATION
LS 080605 NUR

Division of Enforcement Case # 07 NUR 448

Krystal A. Bauer, R.N., personally on her own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's practice in Wisconsin pursuant to the multi-state nurse licensure compact (case # 07 NUR 448). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has had the opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the revocation of her privilege to practice as a nurse in Wisconsin pursuant to the multi-state nurse licensure compact. In the event that Respondent applies for Wisconsin licensure as a nurse, the Board may issue a limited license based on the facts set out in the Final Decision and Order, or may deny that application, in its discretion, without further notice or hearing. Respondent expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Board of Nursing. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of

Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

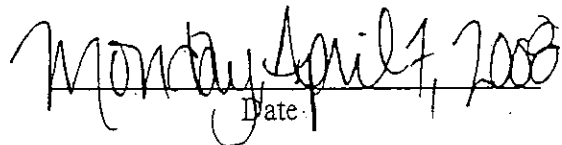
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board of Nursing ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

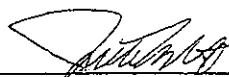
9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



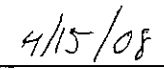
Krystal A. Bauer, R.N.
3363 Winston Drive
Bettendorf, IA 52722



Date



Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935



Date